



Year 1901—Office, Fortaleza 21

Año 1901—Oficinas, Fortaleza 21.

Official subscriptions \$ 1.75 per month
Private ———— 1.25 ————
Single copy (date of issue)..... .10
— (old date)..... .20
Advertisements..... .10 per line

Subscripción oficial por un mes..... \$ 1.75
Subscripción particular por un mes..... 1.25
Número suelto del día..... .10
Número atrasado..... .20
Anuncios la línea..... .10

Published daily except Mondays

Se publica diariamente menos los Lunes

Entered at the P. O. at San Juan P. R. as Second class matter.

Year 1901

San Juan Puerto-Rico, Wednesday March 20th

No. 66

PARTE OFICIAL

The People of Porto Rico

To all persons to whom these Presents shall come, GREETING:

WHEREAS, before the District Court of San Juan in the month of March 1898, José María Suarez was convicted of the crime of assault and thereupon was sentenced by the said Court to imprisonment for a term of three years, nine months and from day a part of which sentence remains unexecuted; and

WHEREAS it satisfactorily appears to me that this is a proper case for the exercise of executive clemency;

NOW THEREFORE, I, CHAS. H. ALLEN, Governor of Porto Rico, by virtue of the authority in me vested by law, do hereby pardon the said José María Suarez from any further imprisonment under the sentence aforesaid, and order that he be immediately released from custody.

IN WITNESS WHEREOF I have hereunto set my hand at San Juan, Porto Rico, this eighteenth day of March, A. D. 1901.

CHAS. H. ALLEN.

By the Governor.

W. H. Hunt,
Secretary.

I hereby certify the above to be a true copy of pardon issued this day by the Governor of Porto Rico, the records of which are on file in this office.

W. H. Hunt

A N A C T

Concerning PROCEDURE IN JURY TRIALS.

(Continuation.)

Conduct of the jury after the cause is submitted to them.

Section 81.—A room must be provided for the use of the jury, upon their retirement for deliberation, with suitable furniture, fuel, lights, and stationery. The Court may order this room, and the expenses incurred in carrying the order into effect, when certified by the Court, are a county charge.

Section 82.—While the jury are kept together, either during the progress of the trial or after their retirement for deliberation, they must be provided by the sheriff or court officer at the expense of the people of Porto Rico with suitable and sufficient food and lodging.

Section 83.—Upon retiring for deliberation, the jury may take with them all papers (except depositions) which have been received as evidence in the cause, or copies of such public records or private documents given in evidence as ought not, in the opinion of the Court, to be taken from the person having them in possession. They may also take with them the written instructions given, and notes of the testimony or other proceedings on the trial, taken by themselves, or any of them, but none taken by any other person.

Section 84.—After the jury have retired for deliberation, if there be any disagreement between them as to the testimony, or if they desire to be informed on any point of law arising in the cause, they must require the officer to conduct them into Court. Upon being brought into Court, the information required must be given in the presence of, or after notice to, the district attorney and the defendant or his counsel, or after they have been called.

Section 85.—If, after the retirement of the jury, one of them be taken so sick as to prevent the continuance of his duty, or any other accident or cause oc-

cur to prevent their being kept for deliberation, the jury may be discharged.

Section 86.—Except as provided in the last section, the jury cannot be discharged after the cause is submitted to them until they have agreed upon their verdict, and rendered it in open Court, unless by consent of both parties, entered upon the minutes, or unless at the expiration of such time as the Court may deem proper, it satisfactorily appears that there is no reasonable probability that the jury can agree.

Section 87.—In all cases where a jury is discharged or prevented from giving a verdict by reason of an accident or other cause, except where the defendant is discharged during the progress of the trial, or after the cause is submitted to them, the cause may be again tried.

Section 88.—While the jury are absent, the Court may adjourn from time to time, as to other business, but is must nevertheless be open for every purpose connected with the cause submitted to the jury, until a verdict is rendered or the jury discharged.

The Verdict.

Section 89.—When the jury have agreed upon their verdict, they must be conducted into Court by the officer having them in charge. Their names must then be called, and if all do not appear, the rest must be discharged without giving a verdict. In that case the action may be again tried at the same or another term.

Section 90.—The defendant must, before the verdict is received, appear in person.

Section 91.—When the jury appear, they must be asked by the Court, or clerk, whether they have agreed upon their verdict, and if the foreman answers in the affirmative, they must, on being required, declare the same.

Section 92.—The jury may render a general verdict, or, when they are in doubt as to the legal effect of the facts proved, they may, except upon a trial for libel, find a special verdict.

Section 93.—A general verdict upon a plea of not guilty is either "guilty" or "not guilty", which imports a conviction or acquittal of the offense charged in the indictment. Upon a plea of a former conviction or acquittal of the same offense, it is either "for the people" or "for defendant." When the defendant is acquitted on the ground that he was insane at the time of the commission of the act charged, the verdict must be "not guilty by reason of insanity."

Section 94.—A special verdict is that by which the jury find the facts only, leaving the judgment to the Court. It must present the conclusions of fact as established by the evidence, and not the evidence to prove them, and these conclusions of fact must be so presented as that nothing remains to the Court but to draw conclusions of law upon them.

Section 95.—The special verdict must be reduced to writing by the jury, or in their presence entered upon the minutes of the Court, read to the jury, and agreed to by them, before they are discharged.

Section 96.—The special verdict need not be in any particular form, but is sufficient if it present intelligibly the facts found by the jury.

Section 97.—The Court must give judgment upon the special verdict as follows:

- 1.—If the plea is not guilty, and the facts prove the defendant guilty of the offense charged in the accusation information or indictment, or of any other offense of which he could be convicted under that accusation information or indictment, judgment must be given accordingly. But if otherwise, judgment of acquittal must be given.
- 2.—If the plea is a former conviction or acquittal of the same offense, the Court must give judgment of acquittal or conviction, as the facts prove or fail to prove the former conviction, or acquittal.

Section 98.—If the jury do not, in a special ver-

dict, pronounce affirmatively or negatively on the facts necessary to enable the Court to give judgment, or if they find the evidence of facts merely, and not the conclusions of fact, from the evidence, as established, to their satisfaction, the Court must order a new trial.

Section 99.—Whenever a crime is distinguished into degrees, the jury, if they convict the defendant, must find the degree of the crime of which he is guilty.

Section 100.—Whenever the fact of a previous conviction of another offense if charged in an accusation information or indictment or information, the jury, if they find a verdict of guilty of the offense with which he is charged, must also, unless the answer of the defendant admits the charge, find whether or not he has suffered such previous conviction. The verdict of the jury upon a charge of previous conviction may be: "We find the charge of previous conviction true," or "We find the charge of previous conviction not true," as they find that the defendant has or has not suffered such conviction.

(To be continued.)

LEY

Para un Decreto relativo á procedimientos en los juicios por Jurados.

(Continuación.)

Procedimiento del jurado despues que la causa sea sometida á su deliberación.

Sección 81.—Para retirarse el Jurado á deliberar, se le proporcionará una habitación ó local apropiado con los muebles, luz y material de escritorio, que sean adecuados. El Tribunal podrá dar orden para que se proporcione dicho local y los gastos que causen al ejecutarla, serán por cuenta pública del Pueblo de Puerto Rico, una vez que el Tribunal los legalice y apruebe.

Sección 82.—Mientras el Jurado permanezca reunido, sea durante la tramitación del juicio ó despues de haberse retirado para deliberar, el Sheriff ó funcionario del Tribunal tendrá la obligación de proporcionar por cuenta del Pueblo de Puerto Rico alojamiento y alimentación adecuados y suficientes.

Sección 83.—Al retirarse para deliberar, el Jurado podrá llevar consigo todos los documentos ó escritos (exceptuando las declaraciones) que hayan sido recibidos como pruebas en el proceso, ó copias de los archivos públicos ó de los documentos particulares que tambien se hayan presentado como prueba, cuyos originales, á juicio del Tribunal, no deben retirarse de las personas en cuyo poder se hallen. Tambien podrán llevar las instrucciones escritas que se les hayan comunicado y nota de la prueba testifical ó de cualquiera otra actuación del juicio, tomada por ellos ó por cualquiera de ellos, pero nunca por otra persona extraña.

Sección 84.—Despues que el Jurado se haya retirado á deliberar si se suscitare cualquier desacuerdo entre los miembros con respecto á la prueba de testigos, ó si desearan ser informados acerca de algún punto de derecho que surja de la causa, deben requerir al Funcionario encargado de ellos, para que los conduzca al Tribunal. Una vez en él, la información solicitada les será dada en presencia del Fiscal, y del acusado ó su defensor, ó despues de haberlos notificado ó llamado al efecto.

Sección 85.—Si despues de haberse retirado el Jurado para deliberar, uno de los miembros se enfermase á tal extremo que le fuera imposible continuar desempeñando su cometido, ó ocurriese algún otro accidente ó otra causa que les impidiese permanecer reunidos, se ordenará la disolución del Jurado.

Sección 86.—Excepto en los casos en la última sección, el Jurado no podrá ser suelto despues que el proceso les haya sido sometido para su resolución, hasta tanto que no hayan llegado á un acuerdo sobre el veredicto y lo hayan pronunciado en pleno Tribunal, á menos que consientan en ello ambas partes, haciéndolo constar en el acta que se levante, ó que al expirar